

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
NIHAL ERKAN, on behalf of herself and all
Others similarly situated,

Docket No. 23-cv-09553

Plaintiffs,

-against-

DAVID A. HIDALGO, M.D., P.C.,

Defendant.
-----X

**AFFIRMATION OF DAVID S. FEATHER
IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED COMPLAINT**

DAVID S. FEATHER, being an attorney duly admitted to practice in the Eastern District of New York, hereby declares under penalty of perjury:

1. I am the sole member of Feather Law Firm, P.C., attorneys for Defendant David A. Hidalgo, M.D., P.C. in the above-captioned matter. I submit this affirmation in support of the Defendant's motion to dismiss Plaintiff Nihal Erkan's First Amended Complaint.

2. Attached hereto as Exhibit "A" is a true and accurate copy of the Complaint that Plaintiff filed in this action on December 28, 2023.

3. Attached hereto as Exhibit "B" is a true and accurate copy of the First Amended Complaint that Plaintiff filed in this action on June 13, 2024, after Defendant served its paper-in-chief to dismiss Plaintiff's Complaint on May 24, 2024.

4. Attached hereto as Exhibit "C" is a true and accurate copy of the First Amended Complaint with the changes made between the original and First Amended Complaint underlined for the Court's convenience. These changes can be found on pages

3-4 (Paragraph “10”), page 10 (Paragraph “32(a)), page 11-12 (Paragraph “33”) and page 13 (Paragraph “35”).

5. Attached hereto as Exhibit “D” is a true and accurate copy of the PACER Case Locator search results for cases filed by Plaintiff in the Eastern District of New York.

6. Exhibit “D” shows that from August 7, 2023 through April 29, 2024, Plaintiff and her counsel filed fifty-one (51) nearly identical, cut and paste complaints asserting website accessibility claims based on an alleged violation of the Americans with Disability Act of 1990 (“ADA”), including the instant action, which was filed on December 28, 2023.

7. I have reviewed all fifty-one (51) website accessibility ADA complaints that Plaintiff has filed in the Eastern District of New York. In those fifty-one (51) complaints, the Plaintiff claims that over an eight-and-a-half month period, she has been “highly interested in purchasing” products or services from websites that sell a wide assortment of products or other large variety of services. These products and services include, but are not limited to, plastic facial surgery, body contouring, watches, pet grooming, clothing, luggage, cosmetic treatments, baby gear, art frames, and a plethora of other goods and services.

8. With few variances, these Complaints mirror each other. Most are exactly 29 pages (with some being 30 pages), and contain, for the most part, the same allegations. In other words, they are “cookie cutter” complaints.

9. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 15, 2024
Garden City, New York



DAVID S. FEATHER

NIHAL ERKAN, on behalf of herself and all
Others similarly situated,

Plaintiffs,

-against-

DAVID A. HIDALGO, M.D., P.C.,

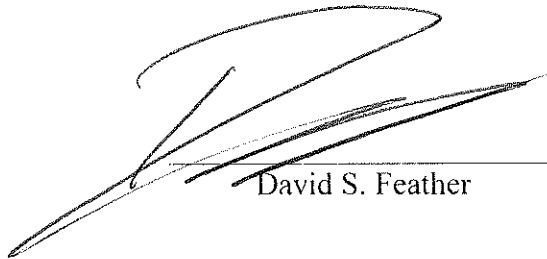
Defendant.

**AFFIRMATION OF DAVID S. FEATHER
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED COMPLAINT**

Feather Law Firm, P.C.
Attorneys for Defendant
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Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: July 15, 2024



David S. Feather